

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

FALLS CHURCH MEDICAL)	
CENTER, LLC d/b/a FALLS CHURCH)	
HEALTHCARE CENTER, et al.,)	
)	
Plaintiffs,)	
)	
)	
v.)	Case No: 3:18-cv-00428-HEH
)	
)	
M. NORMAL OLIVER, Virginia Health)	
Commissioner, et al.,)	
)	
Defendants.)	
)	

MOTION TO DISMISS PLAINTIFFS' COMPLAINT

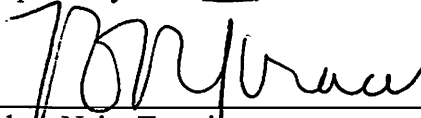
Defendant, Robert N. Tracci, hereby moves to dismiss the complaint in its entirety. For reasons more fully stated in the defendant's accompanying memorandum of law in support of this motion, the defendant respectfully requests that:

1. Count I be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
2. Count II be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
3. Count III be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted and for lack of subject-matter jurisdiction, because plaintiffs lack standing to bring the claim;

4. Count IV be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
5. Count V be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
6. Count VI be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
7. Count VII be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted and for lack of subject-matter jurisdiction, because plaintiffs lack standing to bring the claim; and
8. Count VIII be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

Dated: July 16, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Neira Tracci', written over a horizontal line.

Robert Neira Tracci
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CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2018, I caused a true and accurate copy of the foregoing pleading to be served on the following counsel of record:

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By:


Robert Neira Tracci